

MATTHEW D. ZINN (State Bar No. 214587)
AARON M. STANTON (State Bar No. 312530)
SHUTE, MIHALY & WEINBERGER LLP
396 Hayes Street
San Francisco, California 94102
Telephone: (415) 552-7272
Facsimile: (415) 552-5816
Zinn@smwlaw.com
Stanton@smwlaw.com

THOMAS E. BOZE, County Counsel
(State Bar Number 209790)
STANISLAUS COUNTY COUNSEL
1010 Tenth Street, Suite 6400
Modesto, CA 95354
Telephone: (209) 525-6376
Facsimile: (209) 525-4473
Bozet@stancounty.com

Attorneys for Defendant County of Stanislaus

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION

NICHOLAS HONCHARIW, Trustee,
Honchariw Family Trust,

Plaintiff,

v.

COUNTY OF STANISLAUS,

Defendant.

Case No. 1:21-CV-00801-ADA-SKO

**STIPULATION TO CONTINUE
SCHEDULING CONFERENCE AND
RELATED DEADLINES; ORDER**

(Doc. 21)

1 WHEREAS, Defendant County of Stanislaus removed this action to the United States
2 District Court for the Eastern District of California on May 17, 2021;

3 WHEREAS, the County filed a motion to dismiss the supplemental and amended
4 complaint under Rule 12(b)(6) on December 3, 2021;

5 WHEREAS, the County's motion to dismiss has been fully briefed and remains pending
6 before the Court;

7 WHEREAS, on May 18, 2021, the Court issued an Order Setting Mandatory Scheduling
8 Conference;

9 WHEREAS, on March 15, 2022, the Court issued a minute order continuing the Initial
10 Scheduling Conference to October 4, 2022, and ordering the parties to file their Joint Scheduling
11 Report by September 27, 2022;

12 WHEREAS, pursuant to Federal Rule of Civil Procedure 16(b)(4), a court may modify a
13 conference schedule for good cause;

14 WHEREAS, good cause exists to continue the scheduling conference until some time
15 after the Court has ruled on the County's motion to dismiss. Resolution of the motion will
16 inform the need for and scope of the conference between the parties and the contents of the Joint
17 Scheduling Report;

18 WHEREAS, to avoid unnecessary expense, the parties wish to continue the Scheduling
19 Conference and all related deadlines until 45 days after the County has filed an answer to the
20 supplemental and amended complaint, or until a date convenient for the Court;

21 NOW THEREFORE, the parties hereby stipulate as follows and request that the Court
22 enter the [Proposed] Order set forth below:

23 1. The Court continues the Initial Scheduling Conference to the next available
24 hearing date that is at least 45 days after the County files an answer to the supplemental and
25 amended complaint or to a date convenient for the Court.

26 2. The Court continues all deadlines based on the conference date accordingly.
27
28

1 DATED: August 26, 2022

SHUTE, MIHALY & WEINBERGER LLP

2
3 By: /s/Matthew D. Zinn

4 MATTHEW D. ZINN

AARON M. STANTON

5 Attorneys for Defendant County of Stanislaus

6
7 DATED: August 26, 2022

NICHOLAS HONCHARIW, TRUSTEE,
HONCHARIW FAMILY TRUST

8
9 By: /s/Nicholas Honchariw (authorized 8/26/22)

10 NICHOLAS HONCHARIW

11 Attorney for Plaintiff

12
13 **ORDER**

14 Pursuant to the parties' above stipulation (Doc. 21), and for good cause shown,

15 IT IS HEREBY ORDERED that the Scheduling Conference, currently set for October 4,
16 2022, is CONTINUED to March 7, 2023, at 9:30 a.m. before Magistrate Judge Sheila K. Oberto.
17 The parties shall file their joint scheduling report no later than seven days before the conference.

18
19 IT IS SO ORDERED.

20
21 Dated: August 29, 2022

/s/ Sheila K. Oberto

UNITED STATES MAGISTRATE JUDGE